

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

MISSISSIPPI SILICON HOLDINGS, LLC, §

Plaintiff, §

v. §

AXIS INSURANCE COMPANY, §

Defendant. §

CIVIL ACTION NO. 1:18cv231-SA-DAS

**AXIS INSURANCE COMPANY'S
NOTICE OF REMOVAL**

Defendant AXIS Insurance Company hereby removes this case from the Circuit Court of Tishomingo County, Mississippi to the United States District Court for the Northern District of Mississippi, Aberdeen Division, pursuant to 28 U.S.C. §§ 1441(a) and 1332, and would respectfully show the Court as follows:

PARTIES

1. Plaintiff Mississippi Silicon Holdings, LLC ("Mississippi Silicon" or "Plaintiff") is a for-profit corporation incorporated in the State of Delaware, with its principal place of business in Burnsville, Mississippi. For purposes of diversity of citizenship, it is a citizen of Delaware and Mississippi.

2. Defendant AXIS Insurance Company ("AXIS") is an insurance company licensed to do business in the State of Mississippi, which is incorporated under the laws of Illinois, and which has its principal place of business in Georgia. For purposes of diversity of citizenship, it is a citizen of Illinois and Georgia.

PROCEDURAL BACKGROUND

3. On November 7, 2018, Plaintiff Mississippi Silicon filed suit against AXIS in that certain lawsuit styled *Mississippi Silicon Holdings, LLC v. AXIS Insurance Company*, Civil Action No. CV18-0152PT, pending in the Circuit Court of Tishomingo County, Mississippi (the “State Court Action”).

4. AXIS was served with Plaintiff’s Original Complaint (the “Complaint”) and Summons for the first time on November 13, 2018, via its registered agent for service. A true and correct copy of the Complaint and the Summons/service of citation, along with the civil cover sheet and docket sheet for the action, are attached hereto as Exhibit 1, and incorporated herein by reference.

5. In its Complaint, Mississippi Silicon alleges that AXIS breached its contractual obligations under the terms of a particular crime insurance policy – specifically the Form referred to as the Privatus Platinum, Policy No. MCN623938/01/2017 (the “Policy”). The Complaint seeks a declaratory judgment and monetary damages for an alleged breach of contract in relation to the Policy. Mississippi Silicon made a jury demand in the State Court Action.

BASIS FOR REMOVAL

6. This action is removable under 28 U.S.C. § 1441(a) based on the original jurisdiction conferred on this Court by 28 U.S.C. § 1332(a)(1). This lawsuit is a civil dispute between citizens of different states. Under 28 U.S.C. § 1332(c)(1), corporations are citizens of the place in which they are incorporated and the place in which they have their principal place of business. Here, as noted above, Plaintiff Mississippi Silicon is incorporated in Delaware and has its principal place of business in Mississippi. Defendant AXIS is incorporated in Illinois and has its principal place of business in Georgia. There is, and was at all relevant times (including the

time of the filing of the State Court Action, service of the Complaint and Summons, and the filing of this Notice of Removal), complete diversity of citizenship between the two parties.

7. The amount in controversy in this lawsuit exceeds \$75,000, exclusive of interest and costs, as evidenced by the Complaint. Plaintiff alleges that the total loss it is seeking in this lawsuit is \$1 million, plus other costs and fees. *See* Complaint at ¶42 and Prayer for Relief following such paragraph.

VENUE

8. Venue is proper in this Court under 28 U.S.C. § 1441(a) because the district and division of this Court embrace Tishomingo County, Mississippi, the place where Plaintiff filed its State Court Action, and under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claim occurred in Tishomingo County, Mississippi.

REMOVAL REQUIREMENTS

9. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b). This Notice of Removal is filed within thirty days of November 13, 2018, the date AXIS first was served with the Complaint and Summons, which was the initial pleading setting forth the claim for relief in the State Court Action. *See* Exhibit 1. This Notice of Removal is also filed within one year of the filing of Plaintiff's action against AXIS on November 7, 2018.

10. As required by 28 U.S.C. § 1446(a) and LR5(b), a true and correct copy of the full court file from the State Court Action is attached as Exhibit 1, and incorporated herein by reference.

11. A copy of this Notice of Removal will be promptly filed with the clerk of the state court from which the action was removed, and will also be served on Plaintiff by serving its counsel of record.

12. By filing this Notice of Removal, AXIS does not intend to waive any defenses it may have.

Wherefore, Defendant AXIS Insurance Company requests that the Court accept jurisdiction over this case for the reasons set forth above, and grant it such other and further relief to which it has shown itself justly entitled.

Respectfully submitted,

S/ RON A. YARBROUGH

Ron A. Yarbrough (MSB No. 6630)

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INSURANCE COMPANY**

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served to all counsel listed below on this 11th day of December, 2018, via hand delivery.

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Jackson, MS 39201

s/ Ron A. Yarbrough

Ron A. Yarbrough (MSB No. 6630)